

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE COMMISSIONER OF PATENTS AND TRADEMARKS

In re ERNEST A. VOISIN)	
)	
Application No. 09/121,725)	Appeal No. 2005-1101
)	
Filed: July 24, 1998)	
)	

ORDER GRANTING REQUEST TO RESET HEARING DATE

An oral hearing before a merits panel of the Board of Patent Appeals and Interferences has been set for September 13, 2005. The notice setting the hearing was mailed to counsel on July 25, 2005. The date counsel received the notice is not apparent from the record. On September 12, 2005, a facsimile letter was received from Ms. Bella I. Safro in connection with this case. Ms. Safro, acting on behalf of Mr. Thomas S. Keaty (counsel of record) requested that the oral hearing be rescheduled. Although a request for postponement had been previously granted on June 23, 2005, in view of the extraordinary circumstances presented, the second request for rescheduling has been granted.

According to Ms. Safro:

... the office of the appellant's counsel is located in New Orleans, which has recently suffered from the flood occasioned by hurricane Katrina. Due to mandatory evacuation from the City of New Orleans, the office of the appellant's

counsel was unable to obtain access to the files,
which are essential to the preparation of the oral
hearing currently set for September 13, 2005.

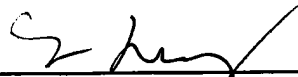
Due to these extraordinary circumstances, the
Board of Appeals is respectfully requested to
grant a three-month extension of time and
permit the oral hearing to be re-set for
December of this year.

For the reasons given above, it is

Ordered that the request to reschedule the hearing to a
date at least three months after September 13, 2005, is granted,
and that a new date for the oral hearing will be sent to
Applicant's counsel.

No further request for postponement will be permitted.
Any further request for postponement will be treated as a waiver
of the Request for Oral Hearing.

BOARD OF PATENT APPEALS
AND INTERFERENCES



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